REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 8, 2005, and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 1-33 were pending. By way of the present response the Applicants have: 1) amended claims 1, 10, 19, and 26; 2) added no new claims; and 3) canceled claim 22. As such, claims 1-21 and 23-33 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 U.S.C. §102 Rejections

The Office Action rejected claims 19-20, 22, 26 and 28-29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,549,980 (hereinafter "Landau").

With respect to independent claim 19, Landau does not describe what Applicant is claiming. Specifically, Landau does not describe "maintaining a program code map on a server indicating how program code is allocated among a plurality of non-volatile memory blocks on a data processing device; using said program code map to facilitate modifications to said program code on said data processing device; maintaining a list of transactions between said server and said data processing device during operation of said data processing device; and running an algorithm to construct said map in realtime using said list of

transactions, said algorithm being an algorithm executed on said data processing device to store program code within said plurality of non-volatile memory blocks."

Landau, in at least the sections cited by the Office Action, does not describe the manufacturing processing tracking transactions between the manufacturing process and the target disk. In Landau, the difference comparison begins with "a comparison of a block of the first disk with a corresponding block of the second disk." (Landau, Col. 3, lines 23-25 and Fig. 3.) If these blocks are different, the "block identification number and the corresponding block's content are stored in a difference file." (Landau, Col. 3, lines 27-29 and Fig. 3.) The process then determines if any more blocks remain to be compared and ends the process if there are no more blocks to be compared. (Landau, Col. 3, lines 29-35 and Fig. 3.) Landau does not describe that this process is repeated after the blocks of the disks have been checked once or in operation of these disks.

Accordingly, Applicant respectfully submits that Landau does not describe what Applicant's claim requires. Claims 20-21 and 22-25 are dependent upon claim 19 and are allowable for at least the same reason.

With respect to claim 26, Applicant respectfully submits that Landau does not describe what Applicant is claiming. Specifically, Landau does not at least describe "a server to transmit program code to a data processing device and to continually monitor during operation of said data processing device (1) which

program code is stored on said data processing device and (2) specific areas in a memory space in which said program code is stored on said data processing device, and to transfer additional program code to said data processing device along with storage location data indicating where in said memory said additional program code should be stored."

As described above with respect to claim 19, Landau does not describe monitoring a data processing device during its operation. Landau only describes using a difference file to make changes to a target disk with reference to a master image during manufacturing of a computer system.

Accordingly, Applicant respectfully submits that Landau does not describes what Applicant is claiming in claim 26. Claims 27-33 are dependent upon claim 26 and are allowable for at least the same reason.

35 U.S.C. §103 Rejections

The Office Action rejected claims 1-4 and 6-7 under 35 U.S.C. 103(a) as being unpatentable over Computer Networks, by Larry L. Peterson et al. (hereinafter "Peterson") in view of U.S. Patent 6,219,830 (hereinafter "Eidt") and further in view of Landau.

With respect to claim 1, the combination of Peterson, Eidt, and Landau does not describe what Applicant is claiming. Specifically, the combination does not describe "splitting said program code into one or more blocks; assigning each of said blocks a header containing a sequence number

identifying which portion of said program code each of said blocks correspond to; storing said one or more blocks of program code and said associated headers in locations of a non-volatile memory; and generating a map of the locations where said blocks of program code are stored in the non-volatile memory during operation of said data processing device."

Peterson discloses methods of transferring data across a network using the Internet Protocol (IP) packets. Peterson further discloses a key part of the IP service mode is the type of packets that can be carried. The IP datagram, like most packets, consists of a header followed by a number of bytes of data. (See Peterson, page 251).

Eidt discloses a memory array in which "the application program is loaded in step 204 into a region 302 of the read-only portion of memory 106. The application program includes (among other sections not shown) a header section loaded into a memory region 304, a code section loaded into a memory region 306, a data section loaded into a memory region 308, and a loader section loaded into a memory region 310." (see Eidt, Col. 9, lines 52-58).

Landau, in at least the sections cited by the Office Action, does not describe the manufacturing processing tracking transactions between the manufacturing process and the target disk. In Landau, the difference comparison begins with "a comparison of a block of the first disk with a corresponding block of the second disk." (Landau, Col. 3, lines 23-25 and Fig. 3.) If these blocks are different, the "block identification number and the corresponding block's content are stored in a difference file." (Landau, Col. 3,

lines 27-29 and Fig. 3.) The process then determines if any more blocks remain to be compared and ends the process if there are no more blocks to be compared. (Landau, Col. 3, lines 29-35 and Fig. 3.) Landau does not describe that this process is repeated after the blocks of the disks have been checked once or in operation of these disks.

Accordingly, the combination of Eidt, Peterson, and Landau does not at least teach what Applicant's claim 1 requires. Claims 2-9 are dependent on claim 1 and are allowable for at least the same reason.

The Office Action rejected claims 10-18 under 35 U.S.C. 103(a) as being unpatentable over Peterson and further in view of Landau. With respect to claim 10, Applicant respectfully submits that the combination of Peterson and Landau does not describe what Applicant is claiming. Specifically, the combination does not describe "transmitting said one or more applications from a server to said data processing device concurrently with block allocation data indicating blocks on said data processing device into which said one or more applications are to be stored and maintaining a list of all subsequent data transactions performed with said data processing device during operation of said device, said list usable by said server to construct a map of all applications stored on said data processing device."

Peterson describes the use of headers in IPv4 and does not describe maintaining any list of subsequent data transactions performed with a data processing device. Landau describes the creation of a difference file of the

differences between a target disk and a master image during the manufacturing of a computer system. However, Landau does not maintain a list of subsequent data transactions performed with the target disk during the operation of the target disk. Landau only deals with manufacturing and not operation of the target disk. Additionally, the difference file created by Landau is not continually updated as described above. The differences between a target disk and a master image are only found once. Once all of these differences have been found the process of Landau stops and the computer system is ready to ship.

Accordingly, Applicant respectfully submits that the combination of Landau and Peterson does not describe what Applicant is claiming in claim 10. Claims 11-18 are dependent upon claim 10 and are allowable for at least the same reason.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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